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C O N F I D E N T I A L SECTION 01 OF 04 ABUJA 000278

SIPDIS

CAIRO FOR POL - J. MAXSTADT

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SUBJECT: NIGERIA: ELECTORAL COMMISSION CONTINUES TO FACE LOGISTICAL PROBLEMS

Classified by Ambassador Howard F. Jeter. Reason 1.5(b) and (d).

1. (C) Summary: During a January 12 conversation with Ambassador Jeter, Independent National Electoral Commission (INEC) Chairman Abel Guobadia said INEC would hold elections as scheduled provided the FY 03 budget allocation was received in time. Guobadia continued to blame current logistical bottlenecks in electoral preparations on belated FY 02 funding and on the December Supreme Court decision that allowed the registration of over 20 new parties. On voter registration, Guobadia said verification of the voters rolls was almost finished but admitted a high rate of fraud. Regarding the January 21-24 make-up registration, the INEC Chairman explained the exercise would be conducted at the 774 local government headquarters throughout the country vice the 120,000 sites used for the original round last September. He predicted INEC would be maligned for reducing the sites, but argued INEC could do no better given its financial constraints. USAID Country Director Liberi, USAID Democracy & Governance Officer Wright and PolCouns accompanied the Ambassador. Chairman Guobadia was joined by INEC Secretary Hakeem Baba-Ahmed. End Summary.

2. (C) Beginning the meeting, Chairman Guobadia thanked Ambassador Jeter for pressing the National Assembly and the Presidency to fund INEC during the final quarter of 2002. INEC probably "would not have gotten the amount it did at the time it did" but for the purposeful intervention of the Ambassador and other Western Chiefs of Missions, Guobadia said.

3. (C) Attempting to preempt some of our questions, Guobadia asserted the electoral schedule was tossed off kilter when "the political environment shifted" after the Supreme Court decision last December opened the door to the registration of over 20 additional parties. Guobadia contended INEC was not the culprit when it refused to register those parties in mid-2002. He characterized INEC as merely and faithfully following the electoral law as it existed. INEC's registration guidelines were based on the electoral law, which effectively "raised the bar" against these parties, he argued. When the Supreme Court invalidated the sections of the law dealing with party registration, INEC's corollary regulations also were nullified. INEC then developed less stringent regulations consonant with the Court's ruling; these new regulations paved the way for the additional parties. (Comment: Guobadia seemed to be at pains to defend his actions and to show us that he was not the killjoy of greater political participation as he had been portrayed in the media. End Comment.)

4. (C) The electoral timetable had to be amended to accommodate the newcomers, Guobadia continued. Before the ruling, INEC had proposed that parties submit their notices of interest for each election in which they would participate at least 120 days before the elections; the names of the actual candidates would be required 90 days before the contests. After the Supreme Court decision, the National Assembly reduced the 120 days for the party deadline to 90 days, not realizing the confusion it would create due to the pre-existing 90-day limit on candidate submissions. Finally, the National Assembly reduced the period for candidate submissions to 60 days to resolve this problem. After pointing to this flaw in the electoral law, Guobadia asserted there were still many others that needed rectification before the actual election took place.

Voters Registration

5. (C) Both Guobadia and Baba-Ahmed acknowledged voter

registration was key to a credible election and both tried to defend INEC's handling of the registration exercise. The Chairman stated that over 60 million of the 72 million forms prepared for the September exercise were returned for processing. He claimed the scanning of the forms into the new computer system was nearly completed. (Scanning was required not only to input information into a central database, but to prevent multiple registrations through the scanning and checking of registrants' thumbprints as well as their biographic information.) Guobadia admitted a high rate of fraudulent registrations. Although declining to give a nationwide figure, he identified a community in Ekiti State where 1,000 of 4,000 forms were tossed out. Noting the Ekiti community was rural, Guobadia feared the incidence in Nigeria's cities likely would be worse.

Registration "Lite"

16. (C) While still cleaning the rolls from last September's registration, INEC would also conduct a January 21-24 "make-up" exercise, Secretary Baba-Ahmed revealed. Implying that INEC thought a second round unnecessary, Baba-Ahmed stated the decision on a second round was a political one. It was in response to the perception widely held by Nigerians and the international community that many eligible voters were unable to register last September. Since INEC never budgeted for a second registration, it had to shift funds from "other" priorities to finance this unexpected expense. To accomplish this second round without siphoning too much from other essential tasks, INEC would limit registration to the 774 local government authorities. It would not reopen the 120,000 locations used in September.

17. (C) Baba-Ahmed downplayed the hardship to potential registrants this reduction would cause. He contended that the problem of under-registration was mainly urban. Because under-registration was infrequent in rural areas, the reduction of the number of locations would not compel large numbers of rural residents to travel long distances to register.

18. (C) Additionally, to lessen fraudulent registrations during the second round, INEC would make all new registrants formally disclaim they had not previously registered and acknowledge that dual registration was a punishable crime. Due to the reduction of sites, Baba-Ahmed predicted that many Nigerians would traduce INEC and make-up exercise. (Comment: Ahmed's prediction was partially correct. Tight finances might have compelled INEC to fashion "registration lite." However, most people believe INEC only begrudgingly agreed to a second round; they did not expect INEC to exert maximum effort for the make-up. Because both expectations and turnouts were low, the criticism has not been as vocal as Baba-Ahmed feared. More on the second round of registration will be reported septel. End comment.)

19. (C) The Chairman predicted the registration lists would be published by late February or early March, followed by a 5-day period of claims and objections. The INEC officials admitted they have not resolved exactly how they would handle the claims process. They will have to post the locally relevant information at each of the 120,000 sites used in September, with a maximum of 500 names posted at any one location. Because of fear of tampering, the list could not simply be posted and left unattended in a public place overnight. Precautions would have to be established so that citizens could check the lists without leaving the lists vulnerable to tampering and fraud, the INEC officials conceded.

WHERE IS THE MONEY?

110. (C) Responding to a question from the Ambassador, Guobadia SAID that news reports of INEC requesting an additional 28 billion Naira were essentially correct. He explained the 28 billion received in December was INEC's FY-02 allocation. The FY-02 allocation was essentially to fund pre-election day requirements, such as ballot boxes, ballot papers, etc. The FY-03 allocation, in addition to paying recurrent expenses and for a new office building, was needed for actual election-day expenses.

(Transportation costs for INEC workers, allowances, some communications, tabulation forms, etc.)

11. (C) Secretary Baba-Ahmed emphasized that INEC needed international financial assistance in two major areas:

-- Transportation of ballot papers and sensitive equipment to the polls.

-- Election results management in order to ensure quick and accurate transmission of results from local stations to the next successive stage of vote tabulation.

On the first point, INEC wanted donor assistance to develop a transportation system to move ballot papers and INEC officials to the 120,000 polling locations just before the voting begins. Orchestrating so many movements within a brief time would be a complex logistical undertaking requiring reliable transportation assets, Baba-Ahmed argued. INEC had considered pre-positioning materials well in advance; but, apprehension about theft and fraud doomed this possibility. On the second point, INEC needed to quickly tabulate and transmit results, particularly from isolated rural communities. Baba-Ahmed claimed irregularities and delays with the vote tabulation were among the most frequent complaints about the 1999 election. INEC wanted to avoid these complaints this time around. The USAID Director responded that USAID, along with other donors, would be willing to consider reasonable requests to help on both fronts. However, she disabused the INEC officials of any notion that USAID would fund the purchase of big-ticket items such as helicopters and vehicles.

GRADUAL PROGRESS ON LOGISTICS

12. (C) Guobadia was pleased INEC had received required funding for pre-election day expenses; however, the advent of the new parties had complicated planning. For instance, preparation of ballot paper had been made exponentially more complex. INEC did not know whether to place all the parties on the ballot for all elections even though most parties would not field a complete slate of candidates. Because of the uncertainty over which parties will compete in what elections, INEC planned to wait until the February 11 deadline for the parties to submit their lists of candidates before developing the ballot paper. He acknowledged the decision on the ballot paper could be further delayed if they decided to use pictures and names of the actual candidates since the parties had until March 11 to amend their candidate lists.

13. (C) Ambassador Jeter emphasized that the ballot paper and boxes were essential; INEC had to ensure the ordering was done in good time; the Ambassador expressed concern that waiting until late February or March might be cutting things too tightly.

ELECTION SCHEDULE

14. (C) Despite the tight scheduling, the Chairman was confident that INEC would be on schedule for the April 12 National Assembly elections and April 19 Presidential and gubernatorial elections. Runoffs, if needed, would be April 29.

INTERNATIONAL OBSERVERS

15. (C) Guobadia mentioned the January 6 Diplomatic Note sent by the MFA to most diplomatic missions outlining the accreditation process for international monitors. He explained that INEC would conduct the actual accreditation but MFA would be the initial point-of-contact for prospective monitors. The Chairman hoped the UNDP would coordinate the work of the international groups since INEC did not have the wherewithal to manage the task.

CODE(S) OF CONDUCT

16. Baba-Ahmed stated the political party Code of Conduct probably would have been finalized in December but for the advent of the new parties. He added that INEC Commissioner Musa was talking with all the political parties and hoped to finalize the Code in a few weeks. In response to Ambassador Jeter's recommendation for a journalists' code of conduct, the Chairman stated that the Ministry of Communication would have to take the lead, but took it upon himself to discuss the idea with the Minister.

COMMENT

17. (C) Although neither the most engaging or forthcoming of interlocutors, the Chairman has been increasingly more accessible and open during our discussions. With the political party conventions now past, the electoral season is in full swing; Guobadia knows that he and his Commission will be at the center of attention; moreover, he knows the heat that will be generated by his occupancy of that central position. The countdown to April is inexorable. While INEC's performance has improved incrementally during the past weeks, it will have to accelerate its step in order to be ready in time. We are concerned by INEC's lack of stride on key items like ballot boxes and papers. The schedule is tight and the margin for error is wafer thin. We will continue to press INEC to move both more smartly and faster on these and other key issues.

JETER